

Meeting of 2011-10-25 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
OCTOBER 25, 2011 6:00 P.M.
NEW CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Mayor Fred L. Fitch Also Present:
Presiding Larry Mitchell, City Manager
 Frank V. Jensen, City Attorney
 Traci Hushbeck, City Clerk
COL Paul Hossenlopp, Fort Sill Liaison

Mayor Fitch called the meeting to order at 6:03 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Dr. Joe Williams, Sr., True Love Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bill Shoemate, Ward One
Michael Tennis, Ward Two
Rosemary Bellino-Hall, Ward Three
Jay Burk, Ward Four
Rex Givens, Ward Five
Richard Zarle, Ward Six
Stanley Haywood, Ward Seven
Doug Wells, Ward Eight

ABSENT: None

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF OCTOBER 11, 2011.

MOVED by Burk SECOND by Zarle to approve the minutes of Lawton City Council regular meeting of October 11, 2011
AYE: Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk, Givens. NAY: None. MOTION CARRIED.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

MOVED by Haywood SECOND by Givens to approve the consent agenda. AYE: Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk, Givens, Zarle. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Sarah Tinsley in the amount of \$704.23 and Patricia Powell in the amount of \$40.21. Exhibits: **Resolution 11-98** and Legal Opinions/Recommendations.
2. Consider approving a Retainer Agreement for professional services with Scott Haney for expert analysis and consultation of a motorcycle/vehicle accident, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Retainer Agreement for Legal Services in on file in the City Clerk's Office.
3. Consider approving contracts with Myron Beeson (\$300), Peggy Brennan (\$475) and Eleanor McDaniel (\$520) to participate in the Lawton Arts & Humanities Council's (LAHC) FY11-12 Native American Program Sharing the Spirit 2011 to be held during the months of November and December at the Museum of the Great Plains (MGP). Exhibits: Contract on file in City Clerk's office.
4. Consider authorizing the Mayor to sign and execute Addendum A to the Oklahoma Department of Environmental Quality (ODEQ) Consent Order, Case No. 02-397 for the Phase II completion schedule and a proposed Phase III submittal schedule for the Citywide Sewer Rehabilitation Program. Exhibits: Consent Order, Case No. 02-397 Addendum A is on file in the City Clerk's Office. Letter dated July 29, 2010 to the ODEQ requesting a

time extension.

5. Consider accepting a public access easement and a temporary easement from the Board of Education of Independent School District No. 8 for right of way needed for the Safe Routes to School (Whittier Elementary) Project authorizing the Mayor and City Clerk to execute the documents and authorizing the Mayor to sign a thank you letter. Exhibits: Documents are on file in the City Clerk's office.

6. Consider accepting a permanent and a temporary easement from Charles & Sidonia K. Kelsey for right of way needed for the 27 Bishop Road Sewer Bypass Project #11-1SSES authorizing the Mayor and City Clerk to execute the documents and authorizing the Mayor to sign a thank you letter. Exhibits: Documents are on file in the City Clerk's office.

7. Consider approval of payroll for the period of October 3 16, 2011.

NEW BUSINESS ITEMS:

8. Consider an ordinance pertaining to vehicles and traffic amending Section 23-1-103, Article 23-1, Chapter 23, Lawton City Code, 2005, by requiring the dismissal of the charge of invalid security verification without court costs if prior to the first scheduled court appearance date the person cited presents proof of valid security verification at the time of the alleged offense, providing for severability, and establishing an effective date. Exhibits: Ordinance 2011-____.

Jensen stated this proposed change in the city code is because of a change in state law. Effective November 1, 2011, state law requires the dismissal of the charge of invalid security verification (i.e. vehicle liability insurance) without court costs if prior to the first scheduled court appearance date the person cited presents proof of valid security verification at the time of the alleged offense. City code currently only requires dismissal without court costs when the person cited provides proof of security verification within forty-eight (48) hours of the alleged offense. By adopting this ordinance, Lawton City Code will be consistent with Oklahoma state law.

Wells questioned when someone is stopped, does the officer runs a check with the state.

Chief Ronnie Smith, Lawton Police Department, stated they run an insurance verification.

Shoemate questioned the procedure they go through if they do not have insurance.

Chief Smith stated they will have a chance to produce insurance verification, but if they know they don t have insurance the officer can impound the car.

MOVED by Shoemate. SECOND by Tennis to adopt **Ordinance 11-50**, waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Wells, Shoemate, Tennis, Bellino-Hall, Burk, Givens, Zarle, Haywood. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 11-50

An ordinance pertaining to vehicles and traffic amending Section 23-1-103, Article 23-1, Chapter 23, Lawton City Code, 2005, by requiring the dismissal of the charge of invalid security verification without court costs if prior to the first scheduled court appearance date the person cited presents proof of valid security verification at the time of the alleged offense, providing for severability, and establishing an effective date.

9. Discuss Lawton City Code, Section 1-2-205, Schedule of Fees and Charges, relating to the terms and conditions of public use and rental of the new city hall located at 212 SW 9th Street and provide direction to staff. Exhibits: Community Use of the New City Hall Memorandum, dated September 16, 2011.

Givens stated he feels that appointing a committee to work with Assistant City Manager Bryan Long may be a better solution because the specifications of the lease are too complicated at this point to even look at making a decision. There are a lot of questions that still need to be answered. For an interim basis the City Manager should be given the discretion to rent the facility until they have a complete agreement.

Burk stated he agreed that a committee should be set up to work through this issue because this is too much to go over tonight.

Mayor Fitch clarified that an ad hoc committee will be formed to meet with the Assistant City Manager and come to an agreement and in the mean time the City Manager can set the rate for those events that are being booked

Givens stated the City Manager, at his discretion, can come up with a reasonable rate for those who want to use the facility.

Mitchell questioned who would like to volunteer for the committee. He stated he is fine with the recommendation and he will try to be reasonable in setting rates. He stated he would like to see something come back to council in thirty days.

Wells, Burk and Shoemate volunteered to sit on the committee.

MOVED by Givens, SECOND by Wells to table this item and appoint an ad hoc committee to meet with the Assistant City Manager. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Givens, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED

AUDIENCE PARTICIPATION:

Paula Sevier, 1101 NW 64th, stated she owns property in Brockland Addition and she feels she should be able to get some statement that gives her proprietary rights. She purchased the property from her mother. She stated someone has planted shrubs on the easement.

Wells stated the post office put in three mailboxes on the easement on her lot and one of her neighbors has planted bushes next to the mailboxes and Ms. Sevier does not want them there because she maintains the property.

Mayor Fitch stated he does not understand why she cannot remove them.

Wells stated he does not know if the post office can put up mailboxes for someone on another persons property.

Shoemate stated they do that a lot in other neighborhoods.

Wells stated he would not think that her neighbors would have the right to come in and plant bushes on her easement.

Jensen stated he feels the best thing to do is for staff to meet with Ms. Sevier to find a resolution.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Burk reported that the banquet for the Eye Candy Awards will be held on Thursday, December 1, 2011. He stated 21 awards will be given out. He stated he will be requesting that the councilmember present the award for his or her ward. He stated the silent auction will start at 5:30 p.m.

Wells stated the proposed landscaping ordinance that the council committee has been working on seems like an unfunded mandate. He stated the business will not comply with the landscaping ordinance without passing on the cost to the customers, so this will affect all citizens because the cost of goods and services will go up. He recommended they also change the city ordinance to say that if there is ever a repair made on a citizens property, either on the easement or their property, the city will put the property back to the way it was.

Givens stated one of the reasons he asked that the \$2.50 charge be passed on to the rural water customers because he felt that part of the cost of producing water and why we even have the water is because for years we paid millions for Waurika improvements and ensuring that we have water for the future. He stated the cost of renovations of the water treatment plant and the cost of the eastside treatment plant were never passed on to the rural water customers. He feels those expenses should be looked at. He stated he would also like to look at giving customers the option of getting their water bill by email instead of paper bills. It would save paper and postage. He stated with over 32,000 customers and if a third of customers signed up that could save \$3,400 in postage.

Mayor Fitch stated they have made it possible to pay online with a credit card and this could be something they could look at down the road.

Rick Endicott, Finance Director, stated a customer can go online now and look at their water bill.

Givens stated he is talking about your bill being sent by email and not sending a paper bill.

Endicott stated they can look into this option.

The Mayor and Council convened in executive session at 6:36 p.m. and reconvened in regular, open session at 6:56 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

10. Pursuant to Section 307B3 and C10, Title 25, Oklahoma Statutes, consider convening in executive session for the purposes of conferring on matters pertaining to economic development, including the purchase/transfer of

property and financing in connection with the Lawton Downtown Redevelopment Project, for the hotel-conference center and the mixed-use commercial retail establishments and take appropriate action, if necessary, in open session. Exhibits: None.

Jensen read the title of item #10. No action is needed.

There being no further business to consider, the meeting adjourned at 6:58 p.m. upon motion, second and roll call vote.

/s/ Fred L. Fitch
FRED L. FITCH, MAYOR
ATTEST:

/s/ Traci L. Hushbeck
TRACI HUSHBECK, CITY CLERK